



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

VIA FIRST CLASS MAIL

Thomas Josefiak, Esquire
Bush Cheney '04
Post Office Box 10648
Arlington, Virginia 22210

AUG 19 2005

RE: MUR 5475 and 5489
Bush Cheney '04 and David Herndon,
in his official capacity as treasurer, and
Steve Schmidt

Dear Mr. Josefiak:

On July 13, 2004, the Federal Election Commission notified your clients, Bush Cheney '04 and David Herndon, in his official capacity as treasurer ("Bush Cheney"), and Steve Schmidt of a complaint in MUR 5475 alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On July 28, 2004, the Commission notified Bush Cheney of a complaint in MUR 5489 alleging similar violations of the Act. On February 10, 2005, the Commission severed the allegations in the complaint in MUR 5475 pertaining to Bush Cheney and Steve Schmidt and transferred them to MUR 5489 and closed MUR 5475.

On June 23, 2005, the Commission considered MUR 5489 and determined, based on the information in the complaint, and information provided by you, that there is no reason to believe to Bush Cheney '04 and David Herndon, in his official capacity as treasurer, and Steve Schmidt violated the Act with respect to this matter. Accordingly, the Commission closed the file in MUR 5489.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the General Counsel's Report is enclosed for your information.

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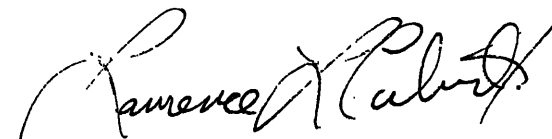
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MUR 5489

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Herndon, in his official capacity as
treasurer, and Steve Schmidt
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If you have any questions, please contact Beth Mizuno, the attorney assigned to this
matter at (202) 694-1650.

Sincerely,

Lawrence H. Norton
General Counsel


BY: Lawrence L. Calvert Jr.
Deputy Associate General Counsel
for Enforcement

Enclosure
General Counsel's Report

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